



On November 2, 2022, Petitioner contacted my law clerk because she had been unable to access the Court's list of vaccine attorneys. *See* Informal Communication Remark dated 11/2/2022. My law clerk emailed Petitioner the weblink to access the list of vaccine attorneys. *See id.*

On November 19, 2022, Petitioner emailed my law clerk to inform me that she had retained Ms. Sylvia Chin-Caplin as her counsel. *See* Informal Communication Remark dated 12/7/2022. On December 7, 2022, I issued an order giving Petitioner 30 days, or until January 6, 2023, to file a Motion to Substitute Counsel or a status report updating me on her search for legal representation. ECF No. 13. That deadline passed with no filings from Petitioner.

On January 10, 2023, my law clerk reached out to Petitioner via email regarding her missed deadline. *See* Informal Communication Remark dated 2/3/2023. My chambers did not receive a response. On February 3, 2023, I issued another order directing Petitioner to file a status report either updating me on her search for legal representation or indicating whether she would like to continue prosecution of her case, by March 6, 2023. ECF No. 14. Petitioner did not file a status report as directed.

On March 13, 2023, I issued another order directing Petitioner to file a status report to update me on her search for legal representation or indicate whether she would like to continue with the prosecution of her case. ECF No. 15. I also informed Petitioner that if she failed to file a status report, an order to show cause as to why this case should not be dismissed for failure to follow court orders and failure to prosecute would be issued. *See id.* I gave Petitioner a deadline of April 12, 2023 to file this status report. *Id.* Petitioner did not file a status report as directed.

On April 13, 2023, I issued an Order to Show Cause, where I ordered Petitioner to file a status report indicating whether she would like to continue prosecution of her claim by May 15, 2023. ECF No. 16. I informed Petitioner that her failure to file a status report would be interpreted as a failure to prosecute this claim and her petition would be dismissed. May 15, 2023 passed with no filings from Petitioner. Petitioner has not submitted any filings or communicated with my chambers since November 2022.

## **II. Conclusion**

Vaccine Rule 21(b)(1) provides that a “special master or the court may dismiss a petition or any claim therein for failure of the petitioner to prosecute or comply with these rules or any order of the special master or the court.” It is Petitioner’s obligation to follow court orders. Failure to follow court orders, as well as failure to file status reports or other required documents, can result in dismissal of Petitioner’s claim. *Tsekouras v. Sec’y of Health & Hum. Servs.*, 26 Cl. Ct. 439 (1992), 991 F.2d 810 (Fed. Cir. 1993) *aff’d per curiam without opin.*; *Sapharas v. Sec’y of Health & Hum. Servs.*, 35 Fed. Cl. 503 (1996); Vaccine Rule 21(b). Petitioner has failed to file any court-ordered status reports and has not communicated with chambers since November 2022.

**ACCORDINGLY, IT IS ORDERED THAT,**

The petition is hereby **DISMISSED** for failure to follow court orders and failure to prosecute. The Clerk shall enter judgment accordingly.<sup>2</sup>

A copy of this Decision shall be sent to Petitioner by email at dshamir@yahoo.com and via U.S. Mail at the following address:

**Shamir Davis**  
**6909 Fullerton Avenue**  
**Cleveland, OH 44105**

Any questions regarding this Decision may be directed to my law clerk, Sydney Lee, by telephone at 202-357-6347, or by email at Sydney\_Lee@cfc.uscourts.gov.

**IT IS SO ORDERED.**

**s/ Katherine E. Oler**  
Katherine E. Oler  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.